



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, वीरवार, 7 नवम्बर, 1974/16 कार्तिक, 1896

GOVERNMENT OF HIMACHAL PRADESH

REVENUE DEPARTMENT

NOTIFICATION

Simla-2, the 1st November, 1974

No. 10-1/73-Rev.-A.—In exercise of the powers conferred on him under section 13 of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 (Act No. 18 of 1974), the Governor, Himachal Pradesh, proposes to make the following draft rules entitled as "The Himachal Pradesh Village Common Lands Vesting and Utilization Rules, 1974" and the same are hereby published in the Official Gazette as required under sub-section (3) of section 13 of the said Act for the information of the general public and a notice is hereby given that these draft rules will be taken into consideration after 30 days from the date of their publication in the Official Gazette.

If any person likely to be affected thereby desires to take any objection or has any suggestion to make regarding these draft rules, he can send the same to the undersigned before the expiry of the above period of

30 days. The objections or suggestions, if any, so received, will be taken into consideration before finalizing these draft rules.

DRAFT RULES

THE HIMACHAL PRADESH VILLAGE COMMON LANDS VESTING AND UTILIZATION RULES, 1974

Short title,
extent and
commence-
ment.

1. (1) These rules may be called the Himachal Pradesh Village Common Lands Vesting and Utilization Rules, 1974.
- (2) They shall extend to the whole of Himachal Pradesh.
- (3) They shall come into force at once.

Definitions

2. In these rules, unless there is anything repugnant in the subject or context,—

- (a) 'Act' means the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 (Act No. 18 of 1974);
- (b) 'allotable pool' means the land determined and demarcated by the Collector under section 8 to be allotted to the eligible persons;
- (c) 'eligible person' means a person who is eligible for allotment of Land under section 8;
- (d) 'form' means a form appended to these rules;
- (e) 'Tehsil Revenue Officer' means the Tehsildar of the Tehsil and the Naib-Tehsildar of the Sub-Tehsil. If the same Tehsil is divided for revenue work between the Tehsildar and the Naib-Tehsildar then they will be deemed to be Tehsil Revenue Officer of the respective areas ;
- (f) 'section' means the section of the Act.

Taking pos-
session of
the land.

3. (1) As soon as may be after coming into force of the Act, the Collector, shall ask the Tehsil Revenue Officer to send details of the shamlat land estatewise that has vested in the State Government in form 'A'.
- (2) On receipt of the information under sub-rule (1), the Collector shall proceed to take over the possession of the land under sub-sections (5) and (6) of section 3 or section 5 as the case may be.

Mutation of
land in fav-
our of State
Govern-
ment.

4. After the possession of the shamlat land has been taken under the preceding rule the Collector shall ask the Revenue Officer to mutate the land in favour of the State Government.

Notice to
be served
on the land-
owner.

5. The notice to be served on the landowner under section 6 will be in form 'B' and on the basis of orders passed by the Collector under rules 6 and 7.

Demarca-
tion of land
under sec-
tion 8.

6. (1) On receipt of the information in form 'A' the Collector shall start a file of demarcation of land for grazing and common purposes and the land to be earmarked for distribution among the eligible persons and send the same to the Tehsil Revenue Officer for proper demarcation of the land, for grazing and common purposes and that of allotable pool area. The percentage of the land to be reserved for grazing and common purposes shall be done in consultation with the estate right-holders keeping in view the provisions of section 8. The Tehsil Revenue Officer and the

Collector shall be guided for demarcation of the area by the following considerations:—

- (1) Total cattle population of the estate ;
- (2) the number of landless persons and those persons whose land holdings are less than one acre in the village;
- (3) total acreage of existing cultivated land excluding illegal possessions/encroachments;
- (4) total area of charand land ;
- (5) the land which is used for common purposes like cattle ponds, manure pits, sand bihag, khuls, paths and the land recorded in the khataunis, of 'Share-am' and Rafai-am' shall continue to be so used and reserved for common purposes ;
- (6) the land on which the tree growth is thick and is required to be maintained as forest in the public interest ;
- (7) as far as possible the grazing areas and allotable areas should be demarcated in compact blocks keeping the principles of consolidation of land holdings in view.

(2) The Tehsil Revenue Officer after a thorough survey and inspection of the shamlat land shall demarcate the land and shall get the separate lists of khasra numbers that are reserved for the common purposes and the land to be given to eligible persons attached to the file. He shall also place on the file an index map of the village delineating the shamlat land and showing the demarcation of the grazing land, the land reserved for common purposes and the allotable pool. The Tehsil Revenue Officer shall then submit his proposal of demarcation to the Collector.

(3) The Collector after scrutinizing the proposal sent by the Tehsil Revenue Officer shall fix, a date for announcing his order after giving the inhabitants of the estate concerned an opportunity of being heard and shall pass the order regarding the percentage and area of land reserved for grazing and common purpose and the allotable pool area.

(4) The Collector may amend or vary the percentage as referred in sub-rule (3) with previous approval of the Government.

7. In case the shamlat land in an estate is unmeasured, the Collector shall prepare record of rights for the same in view of the provision of Chapter, IV of the Himachal Pradesh Land Revenue Act, 1954, or of Chapter IV of the Punjab Land Revenue Act, 1887, as the case may be, and thereafter demarcate the land and pass order in the manner prescribed in rule 6.

Preparation of records of unmeasured shamlat.

8. After having issued the notice under section 6, the file shall be sent to the Tehsil Revenue Officer for making entries in the Tehsil Register of demarcation to be maintained in form 'C' and the land records within a period of one month. The Tehsil Revenue Officer shall get the necessary entries, made in the Tehsil Register and thereafter cause the order to be incorporated in the land records of the estate. The file shall then be returned to the Collector.

Incorporation of demarcation order in Tehsil register and land records.

9. If a dispute arises regarding entry of the land to be vested in the estate Government, the Collector shall be competent to decide the same after a summary inquiry.

Settlement of disputes.

- Procedure. **10.** For inquiries of cases under the Act the procedure as applicable for Revenue Officers prescribed in rules made under the Punjab Land Revenue Act, 1887, shall be applicable.
- Manner of service of notice. **11.** Notice under section 6 shall be served in the manner prescribed under the rules made under the Punjab Land Revenue Act, 1887.
- Mode of payment of amount. **12.** The amount payable to the landowners under the Act shall be paid to them in the manner prescribed in 'The Himachal Pradesh Ceiling on Land Holdings Rules, 1973'.
- Court fee. **13.** All applications made under the provisions of the Act shall bear Rs. 1.25 court fee stamp and process fees shall be chargeable as prescribed by or under the Himachal Pradesh Court Fees Act, 1968 (Act No. 8 of 1968).
- Repeal and savings. **14.** The Punjab Village Common Lands (Regulation) Rules, 1964, are hereby repealed:

Provided that the repeal of the aforesaid rules shall not affect the validity of any action taken or anything done under the rules hereby repealed.

FORM 'A'

(See rule 3)

PARTICULARS OF SHAMLAT LAND OF VILLAGE.....HADBAST NO.....
TEHSIL..... DISTRICT.....

Name Revenue Estate	if No. of Sham- lat land as per Jama- bandi	Khasra Nos. of Shamlat land	Total area of Shamlat land	Khasra Nos. and area of land exempted from vestment under sub-section (2) of section 3 by	Transfer	Partitions	For reside- tial houses and cow sheds	Land exem- pted under section 3 (a) of the Act
1	2	3	4				5	

6	7	8	9	10	11
Khasra Nos. and area of land with occupancy/non-occupancy tenants	Khasra Nos. and area with mortgagees with possession	Khasra Nos. and area that has not vested in the Govt. in view of the Punjab Village Common Lands (Regulatoin) Act, 1961 (only in case of new areas)	Khasra Nos. and area of land in the possession of individuals recorded as His sadar, as per last Settlement/Jamabandi, and assessed to land revenue	Khasra Nos. and area of land encroached upon	Total area vested in the State Govt. under section 3

Signature of Patwari.

I have checked the statement and satisfied myself that this is correct according to entries in Jamabandi and situation on the spot.

Field Kanungo.

FORM 'B'

[See rule (5)]

FORM OF NOTICE TO BE GIVEN TO LANDOWNERS UNDER
RULE 3

Before Shri..... Collector.....
Whereas the land described below has vested in the State of Himachal Pradesh under section 3 of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 and whereas for extinguishment of your rights in the land the amount as shown against your name is proposed to be given.

Now, therefore, you are called upon to prefer objections if any about the proposed amount within 60 days from the receipt of this notice.

Description of Land:

Name of revenue estate.....
Khewat and Khatauni No.
Name of landowner as per Jamabandi.....
Khasra Nos.....
Area of land in acres.....
Annual land revenue.....
Rates and cesses.....
Amount payable to landowner.....

Note.—In case of the amount to be paid to individual co-sharers, a list showing their names and the amount payable to each co-sharer be added.

Seal

Date.....

Signature of Collector.

Place.....

